

Is EUTHYPHRO A MAN BECAUSE HE IDENTIFIES AS A MAN?

DING

ABSTRACT. Euthyphro is a man and he identifies as a man. The *identity-first view* holds that Euthyphro is a man because he identifies as a man; the *gender-first view* proposes that it is the other way around. This paper offers the first trans feminist argument for the gender-first view, appealing to its explanatory power and proceeding in two stages. First, I show that the gender-first view has distinctive explanatory advantages in theorizing trans people's genders on our own terms. Next, I suggest that not only does the main challenge facing the gender-first view also arise for the identity-first view, but in tackling it, a certain family of gender-first views can tap into conceptual resources not otherwise available to any identity-first alternatives. On balance, then, the gender-first view comes out as the far more metaphysically—and, I think, methodologically and politically—promising treatment of the relationship between gender and gender identity.

1. EUTHYPHRO'S GENDER TROUBLE

Euthyphro is a man and he identifies as a man. Is Euthyphro a man because he identifies as a man, or does the explanatory relation go the other way around?

According to the prevailing view in current philosophy of gender, our gender identities are explanatorily prior to our genders; Euthyphro is a man because he identifies as a man. Call this the *identity-first view*. The identity-first view is the subfield's collective response to the misgendering of trans people—most notably, trans women—more or less explicit in leading philosophical accounts of gender (for critiques, see Jenkins 2016; Kapusta 2016; McKittrick 2015), and just about everybody now working in trans and trans-inclusive feminist philosophy is committed to the identity-first view in one way or another: the most recent controversy on the relationship between gender and gender identity, for example, assumes the identity-first view in order to ask whether gender identity is not just sufficient but also necessary for gender (Barnes 2022; for helpful surveys of the literature, see Cosker-Rowland 2023 and Mikkola 2022). In fact, even those who dismiss trans people's claims to our genders outright take for granted that if trans people are the genders we say we are, then something like the identity-first view must be true—except that one's modus ponens is another's modus tollens.

I wish to be clear from the outset that I genuinely cherish the cis feminist solidarity with trans people that animates the identity-first view.

As a trans feminist, my worry is instead that the identity-first view lacks the conceptual resources needed to explain salient features of gender reality as trans people in fact live and know it on our own terms. In its place, this paper motivates a *gender-first view*. On the gender-first view, our genders are explanatorily prior to our gender identities; Euthyphro identifies as a man because he is a man. I get the sense that the gender-first view is deeply intuitive, and here I want to offer the first argument for it on trans feminist grounds, by appeal to its explanatory power.

I'm carving the literature in an unusual way here. While the metaphysics of gender has been understood to split along a social position–personal identity line (Barnes 2022, 2020; Jenkins 2016), my target is *every live option* all across the board. An account is identity-first for my purposes as long as it allows us to have the genders we do *in virtue of* our gender identities, whether or not gender identity is the only individually sufficient ground for gender (on this issue, see Jenkins 2023, 2016; Barnes 2022), even if our gender identities may not make us the genders we say we are in all contexts (see useful discussions in, e.g., Cosker-Rowland 2024b; Chen 2021; McGrath 2021; Diaz-Leon 2016; Bettcher 2013b; Saul 2012),¹ and however gender identity is theorized and operationalized (see views developed in, e.g., Hernandez and Bell, *forthcoming*; Bell 2024; Cosker-Rowland 2024a; Ashley 2023; Rea 2022; Jenkins 2018; Bettcher 2009). So, when a defender of the social position account of gender like Elizabeth Barnes (2022) proposes that while “we cannot treat self-identification as the sole determinant of gender categorization” (859), “gender self-identification is other things being equal, something we should defer to and treat as authoritative when considering gender categorization” (840), she nevertheless subscribes to the identity-first view.

And here's where this is all coming from. What I'm after is a metaphysics of gender that begins with trans people's lived genders on trans people's own terms, not one that retrofits our experiences into existing cis-centric—even if trans-inclusive—theories, frameworks, and institutions; to me, that's the difference between a *trans feminist* and a *trans-inclusive feminist* approach to gender (Ding 2025; see also Berenstain 2023). I also think that it is the same difference between a gender-first and an identity-first view, taking as my starting point an emerging line of trans feminist scholarship that has questioned the adequacy of *gender identity* as a conceptual framework for theorizing lived trans experiences. One particularly relevant reason to be wary of *gender identity* is that this concept functions first and foremost as an easy way to simplify gender for cis

1. Here, I'm thinking of contextualism as it pertains to the metaphysics of gender, not merely the semantics of gender terms; *pace* the approach popularized by Barnes (2020).

people—in practice, a “tool for cis intelligibility” if not cis pathologization (Hernandez and Bell, *forthcoming*), catering to “cis people’s need for a way to think and talk about trans people that [is] not too *difficult* for the established order” (Briggs and George 2023, 20, their emphasis). It should then come as no surprise that the identity-first view struggles to capture and explain trans people’s lived material reality in the ways I go on to show. But it also means that a trans feminist metaphysics of gender needs to look elsewhere for a workable conceptual foundation.

This paper introduces such a project of constructing a trans feminist metaphysics of gender. My aim in the following pages is to make a snappy first case for the gender-first view as a *promising* path toward trans feminist metaphysics. Let me stress: the argument I’m offering is meant to showcase the advantages of the gender-first view over the identity-first view, not to preempt every worry or nail every detail. Treat it as both a roadmap that traces out the structure of the overarching account and a teaser meant to hype up what’s to come.

My argument proceeds in two stages. First, I show that the gender-first view has distinctive explanatory advantages over the identity-first view in theorizing trans people’s genders on our own terms (§ 2). Next, I suggest that not only does the main challenge facing the gender-first view also arise for the identity-first view, but in tackling it, a certain family of gender-first views—what I think of as the *building brick theory of gender* currently under development in trans feminist philosophy—can tap into conceptual resources not otherwise available to any identity-first alternatives (§ 3). On balance, then, the gender-first view comes out as the far more metaphysically—and, I think, methodologically and politically—promising treatment of the relationship between gender and gender identity (§ 4).

2. THE ARGUMENT FROM EXPLANATORY POWER

Trans people often characterize the process of figuring out our genders as one of trial and error. We try on different gender identities in search of something that fits and reflects our lived gender experience, something that genuinely speaks to who we are on our own terms. We are often puzzled and confused by our relationship with gender, sometimes several times over. We often force ourselves to identify and live as our socially imposed genders, only to fail in despair. We often embrace one gender identity for the time being, only to recognize its incompatibilities with us further down the road. And we often retrospectively interpret our past experience as consistent with, if not suggestive of, our lived rather than imposed genders. For example, a lot of trans women report being picked on in school long before we even begin to question who we are,

our bullies catching clues about our genders before we do. Likewise, many broadly trans masculine people enjoyed roaming around the world as gender-ambiguous little boys, resented their high-pitched voices, felt like boys in dresses and skirts, and agonized over chest appearance, the dots not fully connecting until decades later.

In my view, a particularly helpful model for making sense of all this is *inference to the best explanation*: given the myriad of ways I experience the social meaning of my sexed body, which gender(s) or the absence thereof best explains who I am? So, as an example, even before CN Lester themselves worked out what to “call my gender or do about my body” (2018, 32), other people around them had already turned their “gendered appearance and behavior” into “a subject for public debate” (33).

Some people said that they knew I had to be one way, because I was so “forceful,” “dominant,” and “like a man.” There were as many saying that I had to be the other, and for the opposite reasons—femininity and prettiness. Girls excused their crushes on me by saying I was like a boy, and boys got angry with me for their crushes, because why couldn’t I be more like a girl? All of that pressure pushed me into having to find an answer—but still I had no language. (33)

The eureka moment came when a year later they “discovered Kate Bornstein, and ordered a copy of *My Gender Workbook* from America.” This was a breakthrough. “When it arrived, I could barely stand to open it, despite how desperate I was to learn what was inside,” Lester recounts. “It was the old naming magic: I knew that, once I had the words, I wouldn’t be able to escape the fact of what I was” (33).

Not that I had a category I could slot myself into, but that I finally had the key to unlock all that I needed to tell about myself, and a tool with which to craft my future. I found a T-shirt that said “gender free” and wore it with great pride, alongside my Doc Martens, black suits, and heavy eyeliner. . . . I’m sure I’ll collect more words in the end, and look forward to watching them change and evolve in turn. (33–34)

The process of puzzling out one’s gender, clarified as inference to the best explanation, is literally one of *coming to terms* with one’s lived gender experience. It’s no wonder that finding the right gender identity—or absence of gender identity, or combination of gender identities—to capture one’s lived gender(s) often feels liberatory in a characteristically *clarifying* way. “Before I learned that there were words for people like me,” recalls Lester,

I knew what it was I was looking for. I just didn't know how to capture that in a way I could fit into my world and hold on to, to put my feelings in language. Without language, those feelings couldn't solidify. Instead of a stable narrative, my memories of growing up to be what I would later call genderqueer are little flashes of recognition and fascination, sunk back down into what I had been taught I would be. (31)

The effort to solidify lived experience into language by inference to the best explanation is not a passive process of discovery; trans people can and do exercise creative interpretive agency in actively constructing terms, concepts, metaphors, narratives, and eventually, identities to capture our genders as we live them out, on our own terms, in light of one another (Bell 2024; Hernandez and Crowley 2024; Ashley 2023; Bettcher 2014, 2013a, 2013b; Hale 1997; see also Rea 2022).

Contrary to popular belief, the empirical data that make up trans people's lived experience of gender are not limited to inner feelings. Also of note are our lived social positions and relations. Incarcerated trans women, for instance, face sexual and physical violence at an unfathomable rate—69.4% and 80.3% respectively, according to a recent California study (Jenness, Sexton, and Sumner 2019)—because they are marked, exploited, violated, and dominated as women within a race-, class-, and gang-structured prison heterosexual economy, whether that's being strip-searched in front of "over 200 men" as they indulged in "cat calls and whistles" and "made known their desire to have sex with me" (Witherspoon 2011, 211, cleaned up); being coerced on pain of solitary confinement—in the name of "protection"—to enter into a monogamous heterosexual relationship with a "boyfriend," "man," or "husband because we don't want no shit out of you" all while being made available for use with impunity by prison staff themselves (quoted in Greene 2023, 879); or being locked up with predatory men as a prized reward to solicit bribes and informants (Mogul, Ritchie, and Whitlock 2011, 100–101), as an express threat to suppress grievances against the denial of minimum physical safety and life-sustaining medical care (Ding 2023), or simply as a relief valve to manage prison social order (Greene 2023, 880–81; Mogul, Ritchie, and Whitlock 2011, 100).

It's 4:00 in the morning. I jump off the bed. I try to get the police officers to save me, right? The officer looked up and said, "look, faggot, it's count time. Get the fuck on your bunk." And I know he sees the blood on me. He has a flashlight in my face. He leaves out, and the first thing I think, they're going to kill me, right? So now I'm thinking I have to survive. So my next thought was I need to choose somebody. . . . It was, I

think twenty people in a dorm. So I'm looking around, and I see the guy I believed was the shot caller. . . . I said, I'm going to choose you. So he comes and he lays on the bed with me. I said, look, I don't want to have sex. I just had a trying experience. We'll do this in the morning. (quoted in Greene 2023, 880)

In explaining why they are singled out for sexual and physical abuse, incarcerated trans women find it absolutely necessary to invoke their womanhood. Ms. Ashley Diamond tells the judge hearing her case,

*As a woman in a men's prison who lives in fear of the next sexual assault and who is being sexually harassed, abused, and threatened day in and day out, I feel broken. My PTSD is crippling. I am plagued by nightmares where I relive my assaults. Because I live in fear of the next inevitable sexual assault, I have panic attacks that make it difficult to even breathe. I also have difficulty sleeping at night unless I take sedatives that leave me vulnerable to more attacks and abuse.*²

"Living as a woman and expressing my gender freely made me feel for the first time in my life like others saw me as the real person that I am—as the *woman I am*," recounts Ms. Adree Edmo, another incarcerated trans woman. But then the "constant fear of being physically harmed or raped by male inmates," the "frequent verbal harassment by prison staff who refuse to accept and treat me as a woman," and the discipline "for wearing makeup, modifying the prison-issued male underwear to resemble female underwear, and for my hair being 'too feminine'" together left her "dehumanized," "powerless," "humiliated, ashamed, degraded, and scared."³

Socially, analytically, and daily, trans people's genders carry a salient explanatory significance. Not only does gender play a crucial part in explaining our felt sense of self, but it is also indispensable to the explanation of the substantive inequalities that target trans people because we are trans. At the end of the day, trans people come to identify—or decline to identify—as the genders we do, in the ways we do, *because* construing ourselves as members of those genders—or no genders at all—speaks to us in this explanatorily powerful way, not the reverse; our gender identities

2. Declaration of Ashley Diamond ¶ 104, Diamond v. Ward, No. 20-cv-453 (M.D. Ga. Apr. 9, 2021) (my emphasis).

3. Declaration of Adree Edmo in Support of Plaintiff's Motion for Preliminary Injunction ¶¶ 8, 16, 18–19, Edmo v. Idaho Department of Correction, 358 F. Supp. 3d 1103 (D. Idaho 2018) (No. 17-cv-151) (my emphasis).

do not pop into existence *ex nihilo* (see Bell 2023 for particularly useful discussions).

The identity-first view makes no sense of these features of gender reality as they figure in trans people's lived experience. By analyzing trans people's gender identities as explanatorily prior to our genders, the identity-first view first mistakes an explanandum for the explanans, eliding the explanatory significance of trans people's genders and the clarifying force of fitting gender identities. Then, it forecloses the possibility that gender identities, for many trans people, can be the result of trial and error, leaving no room for either retrospective recognition or genuine confusion along the way (cf. the treatment of this issue in Turyn 2023).

That trans people may experience our genders in these ways is, by contrast, perfectly sensible, if not practically expected, on the gender-first view. Attributing explanatory priority to gender over gender identity, the gender-first view locates the clarifying force of fitting gender identities in the explanatory significance of the genders that they manage to track. Furthermore, from a gender-first standpoint, retrospective recognition is not metaphysically or epistemically spooky, and we can be sincerely yet genuinely mistaken about our genders, precisely because it is in virtue of our genders that we come to construct our gender identities, not the other way around.

3. THE PROBLEM OF FURTHER GROUNDS

But in saying this, aren't proponents of the gender-first view merely kicking the can one step down the road? If our genders are explanatorily prior to our gender identities, aren't gender-first theorists now on the hook for explaining where our genders come from? I think of this challenge as the *problem of further grounds*.

I offer two responses in defense of the gender-first view. First of all, the identity-first view and the gender-first view are really in the problem of further grounds together: if a trans woman is a woman because she identifies as a woman, then we need to explain her gender identity in order to vindicate her gender; if a trans woman identifies as a woman because she is a woman, then we need to explain her gender in order to vindicate her gender identity. The burden of constructing a theory of gender is not any heavier than that of constructing a theory of gender identity. To see this, consider one of the most promising theories of gender identity to date—Katharine Jenkins's (2018) norm-relevancy account. To have the gender identity of a woman, according to Jenkins, is to experience feminine gender norms as relevant, as applicable to oneself, regardless of whether one in fact complies with them. What might explain this felt sense of which gender norms are and are not relevant? Following Haslanger

(2012, chap. 9), Jenkins posits an “internal ‘map’” (2018, 730), which we develop as a response to our lived experience navigating the social world in our gendered social positions. But then why might many cis butches and trans guys famously share the same lived gender experience but not the same internal map—in fact, to such an extent that “some butches might have richer, more solid male or masculine self-identifications than do some” trans men (Hale 1998, 322; see also Rubin 1992, 473)? Jenkins does not say, and the explanation concludes abruptly here.

There is good reason, moreover, to believe that a certain family of gender-first views currently being developed in trans feminist philosophy may have a far easier time facing up to the problem of further grounds than any identity-first alternatives. I call this family of views the *building brick theory of gender* in that it analyzes gender as the always-in-the-making product of an active constructive interpretation process, where we create meaning out of the gender materials socially given to us. Think of it literally on the model of Legos: while we don’t have a say in which building bricks of gender are socially available to us or how they come prepackaged if not preassembled,⁴ we do get to decide how we arrange them, what we are trying to build, and how we interpret the product; in so doing, many of us follow either of two sets of socially provided building instructions, though many of us don’t, and many of us manage to create and recreate from them something breathtakingly new. In Leslie Feinberg’s words, “gender is the poetry each of us makes out of the language we are taught” (1998, 10).

On the building brick theory, gender identity—the terms, concepts, metaphors, and narratives that we consciously embrace to solidify our experienced genders into relatively stable anchors for constructing our authentic selves—is further downstream of such a gender-building process, never simply a brute “feature of someone’s experience” (*pace* Jenkins 2023, 160). By disentangling gender identity from lived gender experience, building brick theorists have the conceptual resources to envision a new way of theorizing the relationship between gender and gender identity, one that is unavailable to friends of the identity-first view on pain of circularity: our genders may be explanatorily prior to our gender identities if our lived gender experience is itself explanatorily prior to our genders. Again, I find it most helpful to approach this through inference to the best explanation (*pace* Bell 2024; Ashley 2023). On the sort of building brick theory I favor, our genders just *are* whatever may turn out to best illuminate gender reality as we live and interpret it, on the understanding that gender reality encompasses not just the bodily, the psychological, and the political but also the social and the relational

4. Thanks to Naomi Scheman for this point.

(*pace* Jenkins 2023, 213–14; Rea 2022, 6, 13–14; Barnes 2022, 850–52; 2020, 705–6, 713; Turner 2017, 70; Haslanger 2012, 227–28). Just as the observation of vapor trails in a cloud chamber licenses a physicist to infer the presence of protons on the grounds that this best explains the phenomenon, trans people are justified to embrace and reject the gender identities we do, in the ways we do, on the basis of how well the genders captured by these identities in fact make intelligible our lived gender experience.

For Julia Serano (2007), puzzling out her gender by inference to the best explanation meant taking into account a broad range of explananda: how she feels about her body, how she navigates the world, how she is treated by others around her, how she relates to women in contrast to men, how she expresses herself gender-wise, and more. Then, she tried out several candidate explanations: that she is a man interested in crossdressing, that she is bigender, that she is genderqueer, and, eventually, that she is a woman. Some of these explanations felt right initially, but not for long. Some of them worked for a good while, until they didn't. And one of them was first dismissed, only to then be recognized as the best explanation indeed.

When I decided to transition, I had no idea what it would actually be like to live as a woman, nor did I have any preconceived notions about what type of woman I might actually become. Hell, at the time, I didn't even dare call myself a woman . . . because it seemed to be too weighed down with other people's expectations—expectations that I wasn't sure I was interested in, or capable of, meeting. (217)

Serano is not suggesting that being genderqueer is a “phase” to be grown out of, nor is she claiming that being on the receiving end of misogyny and sexism necessarily gives one the identity of a woman. The point, rather, is that many trans people do experience an unmistakable clarity after finally coming to terms with who we are, what our bodies need, and how we are situated in this world, much like the clarity that follows from the realization that the “innocuous flirting” in the workplace is in fact best explained as sexual harassment. That’s inference to the best explanation in action, and it is why women incarcerated in men’s prisons feel the strong need to explain the sexual and physical violence targeted at them as violence against *women*—incarcerated trans women are systematically abused, violated, and killed precisely because they *are* women, in the thoroughly empirical and explanatory sense of ‘are’ (Greene 2023; Ding 2023; for helpful discussions, see also MacKinnon 1983, 650–51; 1982, 530–35; 1979, 183n).

Identity-first theorists should not respond by insisting that they are simply concerned with a different phenomenon—gender considered as a system of social categorization or a hierarchy of material privileges and disadvantages, not a process of constructive interpretation (cf. the contrast between kind and individual essentialism from Witt 2011, xii–xiii). Because here is the thing: identity-first accounts that address themselves only to gender as social categorization/hierarchy concede rather than contest the explanatory power of the building brick theory as the gender-first view par excellence that, by design, already embodies a unified approach to the social and interpretive dimensions of gender. Note, for example, that the building brick theory alone has the conceptual space to affirm incarcerated trans women's gender as explanatorily significant twice over: not only does the state have a duty not to subject incarcerated trans women, as women, to violence against women in men's prisons, but incarcerated trans women, *being* women, have an interest in making sense of their lived experience by interpreting it as women's, by reclaiming it as their own. It turns out that gender as social categorization/hierarchy and gender as constructive interpretation are not so much separate phenomena as they are two sides of the same coin.

4. EUTHYPHRO IDENTIFIES AS A MAN BECAUSE HE IS A MAN

The realization that gender is explanatorily prior to gender identity is not just metaphysically appealing; its explanatory power is methodologically and politically appealing too. On the methodological front, the gender-first view starts with gender as trans people in fact live and know it on our own terms, not gender identity as an amendment to existing cis-centric accounts of gender in response to the misgendering problem. On the political front, the gender-first view allows us to work with an understanding of the relationship between gender and gender identity that is readily familiar, sidestepping charges of revisionism, circularity, or dismissal of empirical reality.

Now, to address the elephant in the room: the gender-first view not only affirms but strengthens the right to self-identification. Considered in a gender-first light—indeed, considered *especially* in a gender-first light—our gender identities command deference from others on both autonomy and equality grounds. First, insofar as the construction of our gender identities consists in a creative exercise of interpretive agency, they are covered by what Talia Bettcher (2009) terms *ethical first-person authority*, which, properly understood, grounds an autonomy-based duty of gender affirmation (Hernandez 2021); then, when we exercise our autonomy again to stake a public claim to our gender identities, our ethical first-person authority over our gender identities is itself owed second-order

deference for reasons of ethical first-person authority. In addition, on the recognition that cis people are accorded deference to their gender identities as a matter of course, to construe trans people's gender identities as presumptively illegitimate, as subject to scrutiny and (dis)approval by cis people, is to enforce an oppressive relation of domination, with real, material harm to trans people, precisely because of our relationship with gender.

Euthyphro is a man and he identifies as a man. The identity-first view says that Euthyphro is a man because he identifies as a man; the gender-first view proposes that it is the other way around. Despite its appeal, the gender-first view has received virtually no attention in recent philosophy of gender. I have argued that the explanatory power of the gender-first view speaks strongly in its favor: without introducing a new difficulty not otherwise shared by the identity-first view, the gender-first view has distinctive explanatory—and, as a result, methodological and political—advantages over its identity-first counterpart. All else being equal, the gender-first view offers a far more promising treatment of the relationship between gender and gender identity.⁵

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5. With special thanks to Jason Turner for so, so many conversations over the years which finally helped and prompted me to put these ideas into words, and to Rowan Bell, Sara Bernstein, Ryan Hauger, Isabel Herburger, Gus Turyn, Yang Wang, Caleb Ward, two anonymous reviewers, and audiences at the University of Arizona, Harvard University, and the 2025 meeting of the Central Division of the American Philosophical Association for their incredibly generous discussions and comments.

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